

107TH CONGRESS  
1ST SESSION

# S. 829

To establish the National Museum of African American History and Culture within the Smithsonian Institution.

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## IN THE SENATE OF THE UNITED STATES

MAY 3, 2001

Mr. BROWNBACK (for himself, Mr. CLELAND, Mr. SANTORUM, Mr. LOTT, Mrs. CLINTON, Mr. REID, Mr. DODD, Mr. MILLER, and Mr. EDWARDS) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To establish the National Museum of African American History and Culture within the Smithsonian Institution.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Museum of  
5       African American History and Culture Act of 2001”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) Over the history of our Nation, the United  
9       States has grown into a symbol of democracy and

1 freedom around the world, and the legacy of African  
2 Americans is rooted in the very fabric of our Na-  
3 tion's democracy and freedom.

4 (2) There exists no national museum within the  
5 Smithsonian Institution located on the National Mall  
6 that is devoted to the documentation of African  
7 American life, art, history, and culture and that en-  
8 compasses on a national level, the period of slavery,  
9 the era of reconstruction, the Harlem renaissance,  
10 the civil rights movement, and beyond.

11 (3) Slavery was an accepted practice in this Na-  
12 tion, authorized by the Government through legisla-  
13 tion such as the fugitive slave law of 1793 (1 Stat.  
14 302) and sanctioned by the Supreme Court in the  
15 Dred Scott decision (Scott v. Sanford, 60 U.S. 393  
16 (1857)).

17 (4) Those African Americans who suffered  
18 under slavery and their descendants show us the  
19 strength of the human character and provide us with  
20 a model of courage, commitment, and perseverance.  
21 A national museum dedicated to the history of and  
22 commemorating those who suffered the grave injus-  
23 tice of slavery in this country will help in "binding  
24 our Nation's wounds" rooted in slavery and will

1 allow all Americans to understand the past and  
2 honor the history of all Americans.

3 (5) Leaders of the African American commu-  
4 nity in the 1950s and 1960s led this Nation in the  
5 civil rights movement with the intent of ending dis-  
6 crimination against African Americans. During this  
7 period, many African American churches were de-  
8 stroyed and countless individuals involved in this  
9 movement were often beaten and killed. Through the  
10 devotion and sacrifice of those leaders, the civil  
11 rights movement made great strides in ensuring  
12 equality for African Americans in this country.

13 (6) African Americans have enriched the cul-  
14 tural make-up of the United States by their con-  
15 tributions in the areas of science, medicine, the arts  
16 and humanities, sports, music, and dance.

17 (7) Preserving this rich record of the experi-  
18 ences of African Americans, studying their experi-  
19 ences, and presenting those experiences through ex-  
20 hibits to the public would be of great educational  
21 and social value.

22 (8) The creation of a National Museum of Afri-  
23 can American History and Culture located on the  
24 National Mall in the District of Columbia and ad-  
25 ministered by the Smithsonian Institution's Board of

1        Regents was endorsed in 1991 by a unanimous vote  
2        by the Smithsonian Institution's Board of Regents.

3            (9) The Smithsonian African American Institu-  
4        tional Study recommended that the National Mu-  
5        seum of African American History and Culture be  
6        established in the Arts and Industries Building of  
7        the Smithsonian Institution.

8            (10) Although the Smithsonian Institution has  
9        had some success in focusing on African American  
10       history and culture, the programming on African  
11       American history and culture has been occasional  
12       and episodic.

13           (11) A National Museum of African American  
14       History and Culture will provide a continued and  
15       consistent African American presence on the Na-  
16       tional Mall.

17           (12) The National Museum of African Amer-  
18       ican History and Culture will be dedicated to the  
19       collection, preservation, research, and exhibition of  
20       African American historical and cultural material re-  
21       flecting the breadth and depth of the experiences of  
22       persons of African descent living in the United  
23       States.

24           (13) The National Museum of African Amer-  
25       ican History and Culture established by this Act will

1 coordinate the collection of material related to Afri-  
 2 can Americans, which is rapidly disappearing due to  
 3 a lack of resources and trained professionals en-  
 4 gaged in preservation.

5 (14) The work of the National Museum of Afri-  
 6 can American History and Culture will be, fun-  
 7 damentally, the same as the work of all museums in  
 8 the United States that reflect and express the expe-  
 9 riences of the people of the United States in an in-  
 10 clusive manner.

11 **SEC. 3. ESTABLISHMENT OF THE NATIONAL MUSEUM OF**  
 12 **AFRICAN AMERICAN HISTORY AND CULTURE.**

13 (a) ESTABLISHMENT.—There is established within  
 14 the Smithsonian Institution the National Museum of Afri-  
 15 can American History and Culture (hereafter referred to  
 16 in this Act as the “Museum”), and the Smithsonian Insti-  
 17 tution shall maintain and administer the Museum .

18 (b) PURPOSE.—The purpose of the Museum is to pro-  
 19 vide for—

20 (1) the collection, study, and creation of schol-  
 21 arship relating to the African American diaspora  
 22 that encompasses slavery, the era of reconstruction,  
 23 the Harlem renaissance, the civil rights movement,  
 24 and beyond;

1           (2) the creation and maintenance of permanent  
2           and temporary exhibits documenting American slav-  
3           ery and African American life, art, history, and cul-  
4           ture from slavery and the era of reconstruction to  
5           the Harlem renaissance, the civil rights movement,  
6           and beyond;

7           (3) the collection and study of artifacts and  
8           documents relating to African American life, art,  
9           history, and culture and the African diaspora;

10          (4) the establishment of programs in coopera-  
11          tion with other museums, historical societies, edu-  
12          cational institutions, and other organizations that  
13          promote the understanding of modern day practices  
14          of slavery throughout the world;

15          (5) collaboration between the Museum and  
16          other African American museums, historically black  
17          colleges and universities, and other museums, histor-  
18          ical societies, educational institutions, and other or-  
19          ganizations that promote the study of the African  
20          diaspora including collaboration regarding—

21                (A) development of cooperative programs  
22                and exhibitions;

23                (B) identification, management, and care  
24                of collections; and

1 (C) participation in the training of mu-  
2 seum professionals; and

3 (6) leadership and commitment to historical ac-  
4 curacy in the study, education, and exhibition of Af-  
5 rican American life, art, history, and culture in the  
6 museum and throughout the Nation.

7 **SEC. 4. COUNCIL.**

8 (a) ESTABLISHMENT.—There is established in the  
9 Smithsonian Institution the National Museum of African  
10 American History and Culture Council (hereinafter re-  
11 ferred to in this Act as the “Council”).

12 (b) DUTIES.—

13 (1) IN GENERAL.—The Council, subject to sub-  
14 section (l) and to the general policies of the Board  
15 of Regents of the Smithsonian Institution (hereafter  
16 referred to in this Act as the “Board of Regents”),  
17 shall have sole authority to—

18 (A) solicit, accept, use, and dispose of  
19 gifts, bequests, and devises of services and  
20 property, both real and personal, for the pur-  
21 pose of aiding and facilitating the work of the  
22 Museum or the Council;

23 (B) establish policy with respect to the uti-  
24 lization of the collections and resources of the  
25 Museum, including policies on programming,

education, exhibitions, and research with respect to life, art, and culture of African Americans, the role of African Americans in the history of the United States, from slavery to the present, and the contributions of African Americans to society;

(C) purchase, accept, borrow, and otherwise acquire artifacts and other property for addition to the collections of the Museum;

(D) provide for restoration, preservation, and maintenance of the collections of the Museum;

(E) loan, exchange, sell, and otherwise dispose of any part of the collections of the Museum, but only if the funds generated by such disposition are used for additions to the collections of the Museum or for programs carried out under section 6; and

(F) contract with and compensate Federal Government and private agencies or persons for supplies and services that would aid the work of the Museum, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(2) ADMINISTRATION.—Subject to subsection (1), the Board of Regents shall advise and assist the

1 Council on all matters relating to the administration,  
 2 operation, maintenance, and preservation of the Mu-  
 3 seum.

4 (3) ANNUAL REPORT TO CONGRESS.—Subject  
 5 to subsection (1), the Council shall submit to Con-  
 6 gress an annual report that—

7 (A) provides a detailed account of the ac-  
 8 tivities of the Council and the Museum;

9 (B) recommends an annual budget for the  
 10 Council and the Museum; and

11 (C) identifies the future needs of the Coun-  
 12 cil and the Museum.

13 (4) ANNUAL REPORT TO THE BOARD OF RE-  
 14 GENTS.—Subject to subsection (1), the Council shall  
 15 report annually to the Board of Regents on the ac-  
 16 quisition, disposition, and display of African Amer-  
 17 ican objects and artifacts and on other appropriate  
 18 matters.

19 (c) COMPOSITION AND APPOINTMENT.—

20 (1) IN GENERAL.—The Council shall be com-  
 21 posed of 25 voting members as provided under para-  
 22 graph (2) and 7 honorary nonvoting members as  
 23 provided under paragraph (3).

24 (2) VOTING MEMBERS.—The Council shall in-  
 25 clude the following voting members:

1 (A) The Secretary of the Smithsonian In-  
2 stitution.

3 (B) An Assistant Secretary of the Smithso-  
4 nian Institution appointed by the Board of Re-  
5 gents.

6 (C) 13 individuals of diverse disciplines  
7 and geographical residence who are committed  
8 to the advancement of knowledge of African  
9 American history and culture appointed as fol-  
10 lows:

11 (i) 5 individuals shall be appointed by  
12 the President from a list of nominees pro-  
13 vided by the President pro tempore of the  
14 Senate in consultation with the majority  
15 and minority leaders of the Senate.

16 (ii) 5 individuals shall be appointed by  
17 the President from a list of nominees pro-  
18 vided by the Speaker of the House of Rep-  
19 resentatives in consultation with the major-  
20 ity and minority leaders of the House of  
21 Representatives.

22 (iii) 3 individuals shall be appointed  
23 by the President.

24 (D) 10 individuals appointed as follows:

1 (i) 4 individuals shall be appointed by  
2 the President from a list of nominees, pro-  
3 vided by the President pro tempore of the  
4 Senate in consultation with the majority  
5 and minority leaders of the Senate, and  
6 recommended by the Association of African  
7 American Museums, the National African  
8 American Museum and Culture Complex,  
9 historically black colleges and universities,  
10 and cultural or other organizations com-  
11 mitted to the advancement of knowledge of  
12 African American life, art, history and cul-  
13 ture.

14 (ii) 4 individuals shall be appointed by  
15 the President from a list of nominees, pro-  
16 vided by the Speaker of the House of Rep-  
17 resentatives in consultation with the major-  
18 ity and minority leaders of the House of  
19 Representatives, and recommended by the  
20 Association of African American Museums,  
21 the National African American Museum  
22 and Culture Complex, historically black  
23 colleges and universities, and cultural or  
24 other organizations committed to the ad-

1                   vancement of knowledge of African Amer-  
2                   ican life, art, history and culture.

3                   (iii) 2 individuals shall be appointed  
4                   by the President.

5                   (3) HONORARY NONVOTING MEMBERS.—The  
6                   Council shall include the following honorary non-  
7                   voting members:

8                   (A) The Secretary of the Interior.

9                   (B) 3 Members of the House of Represent-  
10                  atives appointed by the Speaker of the House of  
11                  Representatives upon the recommendation of  
12                  the majority and minority leaders of the House  
13                  of Representatives.

14                  (C) 3 Senators appointed by the President  
15                  pro tempore of the Senate upon the rec-  
16                  ommendation of the majority and minority lead-  
17                  ers of the Senate.

18                  (d) TERMS.—

19                  (1) IN GENERAL.—

20                  (A) INITIAL APPOINTMENT.—Except as  
21                  provided in this subsection, each member of the  
22                  Council shall be appointed for a term that ter-  
23                  minates 9 years after the date on which the  
24                  museum is open to the general public.

1           (B) SUBSEQUENT APPOINTMENTS.—Ex-  
2           cept as provided in this subsection, each of the  
3           members of the Council that are appointed  
4           after the members described in paragraph (1)  
5           shall be appointed for a term of 6 years.

6           (C) REAPPOINTMENT.—Members of the  
7           Council may be reappointed for subsequent  
8           terms.

9           (2) MEMBERS OF CONGRESS.—If a member ap-  
10          pointed to the Council under subparagraph (B) or  
11          (C) of subsection (c)(3) ceases to hold the office that  
12          qualified such member for appointment, that mem-  
13          ber shall cease to be a member of the Council.

14          (3) VACANCIES AND SUBSEQUENT APPOINT-  
15          MENTS.—A vacancy on the Council, including among  
16          the honorary non-voting members, shall not affect  
17          the Council's powers and shall be filled in the man-  
18          ner in which the original appointment was made, ex-  
19          cept that when filling any vacancies among the vot-  
20          ing members and when making any appointments  
21          for voting members after the initial appointments,  
22          the President shall make appointments from a list of  
23          nominees provided by the Council. Any member ap-  
24          pointed to fill a vacancy occasioned by death or res-

1       ignation shall be appointed for the remainder of the  
2       term.

3       (e) COMPENSATION.—

4           (1) IN GENERAL.—Except as provided in para-  
5       graph (2), members of the Council shall serve with-  
6       out pay.

7           (2) EXPENSES.—Members of the Council shall  
8       receive travel expenses, including per diem in lieu of  
9       subsistence, in accordance with applicable provisions  
10      under subchapter I of chapter 57 of title 5, United  
11      States Code.

12      (f) CHAIRPERSON.—The Council shall elect a chair-  
13      person by a majority vote of the voting members of the  
14      Council.

15      (g) MEETINGS.—

16           (1) IN GENERAL.—The Council shall meet at  
17      the call of the chairperson or upon the written re-  
18      quest of a majority of the voting members of the  
19      Council, but shall meet, subject to paragraph (2),  
20      not fewer than 2 times each year.

21           (2) PLANNING.—During the first year, the  
22      Council shall meet not fewer than 10 times for the  
23      purpose of the planning and design of the Museum.

24      (h) QUORUM.—A majority of the voting members of  
25      the Council shall constitute a quorum for purposes of con-

ducting business, but a lesser number may receive information on behalf of the Council.

(i) BYLAWS.—The Council shall adopt bylaws.

(j) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Council may, if authorized by a majority of the voting members of the Council, take any action that the Council is authorized to take by this Act.

(k) VOLUNTARY SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Council may accept for the Council voluntary services provided by a member of the Council.

(l) TRANSFER OF POWERS AND DUTIES.—

(1) IN GENERAL.—Except as provided in this subsection, the Council's powers and duties shall transfer to the Board of Regents 3 years after the date on which the Museum is open to the general public.

(2) ADVISORY COUNCIL.—

(A) IN GENERAL.—3 years after the date on which the Museum is open to the general public, the Council shall become an advisory council (hereafter referred to in this Act as the "Advisory Council").

(B) DUTIES OF THE ADVISORY COUNCIL.—

The Advisory Council shall advise the Board of

1           Regents on matters related to the administra-  
 2           tion, operation, and maintenance of the Mu-  
 3           seum.

4           (C) MEETINGS.—The Advisory Council  
 5           shall meet not fewer than 1 time each year.

6           (D) PERMANENT COMMITTEE.—Section 14  
 7           of the Federal Advisory Committee Act (5  
 8           U.S.C. App.) shall not apply to the Advisory  
 9           Council.

10 **SEC. 5. DIRECTOR AND STAFF OF THE MUSEUM.**

11       (a) IN GENERAL.—The Council, in consultation with  
 12       the Board of Regents, shall appoint a Director who shall  
 13       manage the Museum.

14       (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
 15       LAWS.—

16           (1) APPOINTMENTS.—The Council may appoint  
 17       the Director and any additional personnel to serve  
 18       under the Director, without regard to the provisions  
 19       of title 5, United States Code, governing appoint-  
 20       ments in the competitive service.

21           (2) PAY.—The Council may fix the pay of the  
 22       Director at a rate not to exceed the maximum rate  
 23       of basic pay payable for level III of the Executive  
 24       Schedule and fix the pay of such additional per-  
 25       sonnel as the Council considers appropriate.

1 **SEC. 6. OFFICE OF EDUCATION AND LIAISON PROGRAMS.**

2 (a) OFFICE ESTABLISHED.—There is established  
3 within the Museum, the Office of Education and Liaison  
4 Programs, which shall carry out educational programs  
5 with respect to the Museum and other programs in col-  
6 laboration with other African American museums.

7 (b) FUNCTIONS.—The Office of Education and Liai-  
8 son Programs shall—

9 (1) carry out public educational programs with-  
10 in the Museum relating to African American life,  
11 art, history, and culture, including programs uti-  
12 lizing digital, electronic, and interactive technologies,  
13 and programs in collaboration with elementary  
14 schools, secondary schools, and post-secondary  
15 schools; and

16 (2) collaborate with African American museums  
17 by—

18 (A) establishing educational grant pro-  
19 grams that strengthen museum operations, im-  
20 prove care of museum collections, and increase  
21 professional development;

22 (B) providing internship and fellowship  
23 programs that allow individuals pursuing ca-  
24 reers or carrying out studies in the arts, hu-  
25 manities, and sciences to study African Amer-  
26 ican life, art, history and culture;

1 (C) providing scholarship programs to as-  
 2 sist individuals who demonstrate a commitment  
 3 to a career in African American museum man-  
 4 agement in financing their studies; and

5 (D) collaborating with national and inter-  
 6 national organizations that address the issue of  
 7 slavery in the international community.

8 **SEC. 7. LOCATION OF THE NATIONAL MUSEUM OF AFRICAN**  
 9 **AMERICAN HISTORY AND CULTURE.**

10 (a) MAIN BUILDING.—The Council, in consultation  
 11 with the Board of Regents of the Smithsonian Institution  
 12 is authorized to plan, design, reconstruct, and renovate the  
 13 Arts and Industries Building of the Smithsonian Institu-  
 14 tion and the surrounding site to house the Museum. The  
 15 Council shall consider expanding, and is authorized to ex-  
 16 pand, the Arts and Industries Building horizontally,  
 17 vertically, and below ground.

18 (b) ADDITIONAL FACILITIES.—

19 (1) IN GENERAL.—If the Council determines  
 20 that facilities in addition to the Arts and Industries  
 21 Building of the Smithsonian Institution are needed  
 22 for the Museum, the Council, in consultation with  
 23 the General Services Administration and the Na-  
 24 tional Capital Planning Commission is authorized  
 25 to—

1 (A) identify a site for the additional facili-  
2 ties;

3 (B) acquire real property for the additional  
4 facilities;

5 (C) design the additional facilities; and

6 (D)(i) construct a building for the addi-  
7 tional facilities; or

8 (ii) reconstruct and renovate a building for  
9 the additional facilities.

10 (2) LOCATION.—Any additional facilities for the  
11 Museum shall be located, if feasible, on or adjacent  
12 to the National Mall.

13 (3) PURCHASE AUTHORITY.—After consultation  
14 with the General Services Administration and the  
15 National Capital Planning Commission, the Council  
16 may purchase, with the consent of the owner thereof,  
17 any real property on or adjacent to the National  
18 Mall for such additional facilities.

19 (4) TRANSFER AUTHORITY.—For the purpose  
20 of securing additional facilities, any department or  
21 agency of the United States is authorized to transfer  
22 to the Council any interest of such department or  
23 agency in real property located on or adjacent to the  
24 National Mall, and the Council, after consultation  
25 with the General Services Administration and the

1       National Capital Planning Commission, may accept  
2       any such interest in such property.

3       (c) COST-SHARING.—The Council shall pay  $\frac{1}{3}$  of the  
4       total cost of carrying out this section from appropriated  
5       funds. The Council shall pay the remainder of such costs  
6       from non-Federal sources. The Council shall have 5 years  
7       following the date of the Council’s first meeting to secure  
8       the non-Federal funds required under this subsection.

9       (d) COMMEMORATIVE WORKS ACT.—Any building to  
10      house the Museum, including any additional facilities for  
11      the Museum, is not a commemorative work for purposes  
12      of the Commemorative Works Act (40 U.S.C. 1001 et  
13      seq.).

14   **SEC. 8. NATIONAL MALL.**

15      In this Act, the term “National Mall” means the Na-  
16      tional Mall (United States Government Reservations 3, 4,  
17      5, and 6) in the District of Columbia.

18   **SEC. 9. AUTHORITY.**

19      Authority under this Act to enter into contracts or  
20      to make payments is effective in any fiscal year only to  
21      the extent provided in advance in an appropriations act,  
22      except as provided under section 10(b)(3).

1 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) RENOVATION.—There is authorized to be appro-  
 3 priated such sums as may be necessary to carry out the  
 4 activities authorized under section 7.

5 (b) OPERATION AND MAINTENANCE.—

6 (1) IN GENERAL.—There is authorized to be  
 7 appropriated to the Council to carry out this Act,  
 8 other than sections 6 and 7—

9 (A) \$15,000,000 for fiscal year 2002; and

10 (B) such sums as may be necessary for  
 11 each succeeding fiscal year.

12 (2) OFFICE OF EDUCATION AND LIAISON PRO-  
 13 GRAMS.—There is authorized to be appropriated to  
 14 the Council to carry out section 6, \$10,000,000 for  
 15 fiscal year 2002 and for each succeeding fiscal year.

16 (3) AVAILABILITY.—The amounts appropriated  
 17 under paragraphs (1) and (2) shall remain available  
 18 for the operation and maintenance of the Museum  
 19 until expended.

20 **SEC. 11. AMENDMENT.**

21 Section 5580 of the Revised Statutes (20 U.S.C. 42)  
 22 is amended in subsection (b)(2) by inserting “the National  
 23 Museum of African American History and Culture,” after  
 24 “Performing Arts,”.

○